

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Toyoshi TOKIMOTO et al.

Application No.: 10/553,283

Confirmation No.: 8628

Filed: July 31, 2006

Art Unit: 2425

For: WIRELESS TERMINAL, BASE DEVICE,
WIRELESS SYSTEM, WIRELESS
TERMINAL CONTROL METHOD,
WIRELESS TERMINAL CONTROL
PROGRAM, AND COMPUTER-READABLE
RECORDING MEDIUM STORING THE
CONTROL PROGRAM

REQUEST FOR PRE-APPEAL CONFERENCE

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.

The review is being requested for the reasons set forth on the attached sheets.

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REVIEW

Claim Rejection - 35 U.S.C. § 112, first paragraph

Applicants canceled claim 14. Therefore, the 35 U.S.C. § 112, first paragraph, of claim 14 is moot and should be withdrawn.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 1, 3, and 15-17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Uchida (U.S. Patent Publication No. 2002/0054028) in view of Labeeb et al. (U.S. Patent Publication No. 2003/0093792). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Uchida and Labeeb in view of Yap et al. (U.S. Patent Publication No. 2002/0092021). Applicants respectfully traverse these rejections.

Argument: The Examiner Has Failed To Establish Prima Facie Obviousness By Failing To Provide References That Disclose All Of The Claim Elements

Independent claim 1 recites, *inter alia*, “the base device including a transmitting unit wirelessly transmitting the first video data and the EPG data to the wireless terminal; and an input terminal which is connectable with a set-top box, the wireless terminal including a receiving unit receiving, from the base device, the first video data and the EPG data; a first video generating unit generating a first video image based on the first video data; a second video generating unit generating a second video image based on the EPG data; a video superposing unit superposing the second video image on the first video image; and a display unit displaying the superposed video image; and a rewritable nonvolatile memory storing the EPG data received by the receiving unit, the second video generating unit generating the second video image based on the EPG data stored in the nonvolatile memory.” *Emphasis added.*

Therefore, in the claimed invention of independent claim 1, the first video data and the EPG data are transmitted from the base device to the wireless terminal, and in the wireless terminal, the EPG video image (second video image generated based on the EPG data) is superposed on the first video image. Thus, in the claimed invention, the superposed video data does not require encoding and decoding in the wireless terminal, thereby improving the speed of response to user's input instruction.

On the contrary, Uchida discloses the following subject matter:

- (a) A demultiplexer 304 in a set-top box 300 extracts various data regarding broadcasting and data for forming EPG from a satellite broadcast signal supplied from a descramble section 303. (See Uchida, paragraph 71.)

(b) An OSD processing section 105 in the set-top box 300 forms a video signal for displaying the EPG, and the video signal is supplied to a base apparatus 200. (See Uchida, paragraph 74.)

(c) The base apparatus 200 transmits, to a display apparatus 100, a video signal and an audio signal of a television broadcast signal received through a tuner 202, or a video signal and an audio signal supplied from an external input apparatus such as the set-top box 300. (See Uchida, paragraph 77.)

(d) It is possible to form the EPG in the set-top box 300 and to display the EPG on the display apparatus 100 through the base apparatus 200. (See Uchida, paragraph 91.)

(e) The OSD processing section 105 in the display apparatus 100 synthesizes display of a control panel from a control section 130 with the video signal from a decoding section 104. (See Uchida, paragraph 45.)

That is, while Uchida discloses synthesis of the display of the control panel from the control section 130 with the video signal in the display apparatus 100, Uchida fails to disclose synthesis of the EPG data with the video signal. Furthermore, data indicative of the display of the control panel is not data that the display apparatus 100 receives from outside, but data supplied from the control section 130. Therefore, Uchida fails to recognize a problem that the claimed invention solves.

In Uchida, the set-top box 300 (Fig. 5) synthesizes message information with the video signal as described in paragraph 74. From the description, suggestion of Uchida is to synthesize the EPG data in substitution for the message information with the video signal in the set-top box 300. That is, Uchida fails to suggest synthesizing the EPG data with the video signal in the display apparatus 100.

Furthermore, while the Examiner does not rely on Labeeb for the above features (that are not disclosed by Uchida) and Labeeb fails to make up for the deficiencies of Uchida.

At least for the above reasons, the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claim 1.

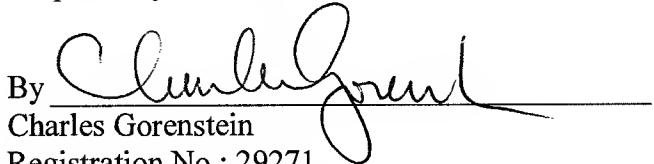
Conclusion

In summary, the Examiner has committed clear error on several grounds as detailed above. Therefore, the art rejection should be withdrawn and the case allowed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 11, 2010

Respectfully submitted,

By 
Charles Gorenstein
Registration No.: 29271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000